

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TOMMY KING,)	
)	
Petitioner,)	
)	No. 1:00-0017
v.)	Judge Echols
)	
RICKY BELL, Warden,)	
)	
Respondent.)	

ORDER

For the reasons stated herein and in the Memorandum entered contemporaneously herewith, the Court rules as follows:

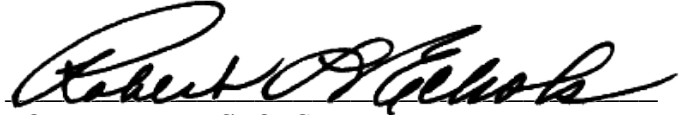
(1) Respondent Ricky Bell's Motion for Summary Judgment (Docket Entry No. 53) is hereby GRANTED IN PART and DENIED IN PART.

(2) Petitioner Tommy King's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Docket Entry No. 26), is hereby GRANTED IN PART and DENIED IN PART.

(3) The Motion for Summary Judgment is hereby DENIED on two grounds for relief: (a) alleged ineffective assistance of trial counsel at the penalty phase of trial and (b) the State's alleged failure to disclose Brady evidence that the defense could have used at the penalty phase to impeach the State's rebuttal character witness. As to all remaining claims, the Motion for Summary Judgment is GRANTED and the Petition for a Writ of Habeas Corpus is DENIED.

(4) The Court will hold an evidentiary hearing on the two issues identified in paragraph (3). Prior to the evidentiary hearing, the Court will conduct a status conference with counsel for the parties. The status conference will be set in a separate Order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE